

EXHIBIT 1



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Transcript of Ruth Smith

Date: December 2, 2022

Case: Smith -v- SunPath, Ltd.

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December 2, 2022

<p>21</p> <p>1 MR. SMITH: Objection, misstates the</p> <p>2 witness's testimony.</p> <p>3 BY MR. CAFFAS:</p> <p>4 Q You can answer if you understand.</p> <p>5 A So can you ask the question again?</p> <p>6 Q Yeah. So are you saying that you have a</p> <p>7 document that contains all of your notes that you</p> <p>8 had taken when you received these calls that you</p> <p>9 then sent to your counsel?</p> <p>10 A So I -- again, back to the original</p> <p>11 question. When you asked me how I obtained this</p> <p>12 information per these bullets here, so as I --</p> <p>13 based on these calls, I have them in my notes</p> <p>14 section. I take the information. I copy and</p> <p>15 paste it. I place it in an e-mail, and then</p> <p>16 there's -- I take the screenshot and it shows the</p> <p>17 time, if there's a duration, et cetera, or if</p> <p>18 there's a voicemail, and that's how I communicate.</p> <p>19 Q So then there would be, one, a note in</p> <p>20 your notes app for presumably each call received</p> <p>21 as well as a screenshot?</p> <p>22 A If it has not been deleted, yes. But if</p>	<p>23</p> <p>1 Q Did you personally then when you</p> <p>2 retained the law firm of Woodrow & Peluso send the</p> <p>3 same notes and screenshots that were sent to the</p> <p>4 Heidarpour Law Firm to Woodrow & Peluso?</p> <p>5 A To the best of my knowledge, it was sent</p> <p>6 to them.</p> <p>7 Q When did you retain Woodrow & Peluso?</p> <p>8 A I'd have to go back.</p> <p>9 Q All right. I'm going to hand you what</p> <p>10 will be marked as Exhibit 3, and this is the</p> <p>11 supplemental objections and responses that your</p> <p>12 counsel served to me on November 11 of this year,</p> <p>13 so a few weeks ago.</p> <p>14 A Okay.</p> <p>15 (Smith Deposition Exhibit No. 3 was</p> <p>16 marked for identification and was attached to the</p> <p>17 deposition transcript.)</p> <p>18 BY MR. CAFFAS:</p> <p>19 Q And I'll ask you to turn to the very</p> <p>20 last page of that document. So first of all,</p> <p>21 before I ask this, do you recognize those</p> <p>22 supplemental discovery responses?</p>
<p>22</p> <p>1 it's been deleted, I do not have it. Again, this</p> <p>2 is a period of time. This has been over about two</p> <p>3 years, so I don't know if I still have those</p> <p>4 notes.</p> <p>5 Q Do you know when you would have deleted</p> <p>6 them?</p> <p>7 A I do not.</p> <p>8 Q Do you have a period of time that you</p> <p>9 typically keep your notes before you delete them?</p> <p>10 A I would say maybe six months to a year.</p> <p>11 Q Did you know that you intended to file a</p> <p>12 lawsuit whenever you were taking these notes?</p> <p>13 A No.</p> <p>14 Q And did you check to see whether or not</p> <p>15 those notes had been deleted when this lawsuit was</p> <p>16 filed?</p> <p>17 A No, I did not.</p> <p>18 Q The counsel that you were sending these</p> <p>19 notes and screenshots to, is that your counsel</p> <p>20 that you've retained for this -- the counsel</p> <p>21 that's representing you today?</p> <p>22 A It's Heidarpour Law Firm.</p>	<p>24</p> <p>1 A Yes.</p> <p>2 Q And did you review those supplemental</p> <p>3 discovery responses before they were served?</p> <p>4 A Yes.</p> <p>5 Q Can you turn to the last page now, and</p> <p>6 the last page is what's titled Ruth Smith's</p> <p>7 Verification. Can you confirm that that is your</p> <p>8 signature on this page verifying that these</p> <p>9 interrogatory responses and requests for admission</p> <p>10 responses are true and accurate?</p> <p>11 A Yes. To the best of my knowledge, they</p> <p>12 are true and accurate.</p> <p>13 Q Okay. I'd like you to turn to the</p> <p>14 second page of the document now, and I'm</p> <p>15 specifically referring to what will be the</p> <p>16 supplemental answer to interrogatory one. Do you</p> <p>17 see where I'm at there?</p> <p>18 A Yes, supplemental answer.</p> <p>19 Q Now, in the second paragraph, this</p> <p>20 starts by stating, "On May 26, 2020, plaintiff</p> <p>21 received two unsolicited calls." Do you see where</p> <p>22 I'm at there?</p>

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<p>45</p> <p>1 A Yes.</p> <p>2 Q -- still have the call logs that you're</p> <p>3 referring to that you have to review to fully</p> <p>4 respond to this question?</p> <p>5 MR. SMITH: Objection, misstates the</p> <p>6 witness's testimony.</p> <p>7 You can answer.</p> <p>8 A So I submitted the logs to my counsel,</p> <p>9 so I'd have to go back through that information,</p> <p>10 everything that I have submitted. So I need to go</p> <p>11 back through that information to clarify.</p> <p>12 MR. SMITH: Can we take a two-minute</p> <p>13 break?</p> <p>14 MR. CAFFAS: Yeah. Let's go off the</p> <p>15 record.</p> <p>16 (A brief recess was had from 10:46 a.m.</p> <p>17 to 10:50 a.m.)</p> <p>18 (The reporter read the requested</p> <p>19 testimony.)</p> <p>20 MR. CAFFAS: Okay. Let's back on the</p> <p>21 record.</p> <p>22 BY MR. CAFFAS:</p>	<p>47</p> <p>1 confirm what name the person had used on that call</p> <p>2 that we're talking about --</p> <p>3 A That specific person?</p> <p>4 Q Let me finish. In order to confirm what</p> <p>5 name they used on the call, you would need to</p> <p>6 review some records. Can you confirm what records</p> <p>7 you're saying that you would need to review.</p> <p>8 A So it would be the notes that I provided</p> <p>9 after the call.</p> <p>10 Q And it's your understanding that those</p> <p>11 notes still exist in order for you to review them?</p> <p>12 A Yes.</p> <p>13 Q And so to confirm, are those notes in</p> <p>14 your possession, or your counsel's possession?</p> <p>15 A So I sent them to counsel.</p> <p>16 Q And to confirm, when you say counsel --</p> <p>17 A Yes.</p> <p>18 Q -- you mean Woodrow & Peluso, your</p> <p>19 current counsel?</p> <p>20 MR. SMITH: Objection, asked and</p> <p>21 answered, misstates the witness's testimony.</p> <p>22 BY MR. CAFFAS:</p>
<p>46</p> <p>1 Q So with respect to my last question and</p> <p>2 the documents that you're saying that you had to</p> <p>3 review in order to confirm, I believe you had</p> <p>4 stated that -- that the statement that you had to</p> <p>5 review call logs wasn't accurate. Is that</p> <p>6 correct?</p> <p>7 A You said what is inaccurate?</p> <p>8 Q Was not accurate. You had said that you</p> <p>9 saying that you had to review call logs in order</p> <p>10 to fully answer this question was not accurate and</p> <p>11 that you were referring to some other</p> <p>12 documentation. Do I have that right?</p> <p>13 A And I think this was based, you said, on</p> <p>14 this, the caller did not identify themselves by</p> <p>15 their first and last name?</p> <p>16 Q Yes. That's correct. Is there some</p> <p>17 other documentation that you said you would need</p> <p>18 to review in order to confirm that statement?</p> <p>19 A So you're -- just to make sure I</p> <p>20 understand, you're asking if they provided their</p> <p>21 last name?</p> <p>22 Q No. You had stated that in order to</p>	<p>48</p> <p>1 Q You can answer.</p> <p>2 MR. SMITH: You can answer.</p> <p>3 A So it would be I sent them to Heidarpour</p> <p>4 Law Firm.</p> <p>5 BY MR. CAFFAS:</p> <p>6 Q Did you ever send them to Woodrow &</p> <p>7 Peluso?</p> <p>8 A To the best of my knowledge, I believe</p> <p>9 that the information has been shared.</p> <p>10 Q The information has been shared by you</p> <p>11 to Woodrow & Peluso, or by Heidarpour to Woodrow &</p> <p>12 Peluso?</p> <p>13 A I sent it to Heidarpour Law Firm.</p> <p>14 Q Are you saying then that you never sent</p> <p>15 it to Woodrow & Peluso?</p> <p>16 A I'd have to go -- to go back, but I know</p> <p>17 I sent it to through my e-mails to confirm. I</p> <p>18 don't remember, but I know I sent it to Heidarpour</p> <p>19 Law Firm.</p> <p>20 Q The supplemental interrogatory responses</p> <p>21 that we were discussing, these were submitted just</p> <p>22 a couple weeks ago on November 11, 2022. Did you</p>

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1 CERTIFICATE OF SHORTHAND REPORTER

2 ELECTRONIC NOTARY PUBLIC

3 I, Kelly Carnegie, Certified Shorthand

4 Reporter, Registered Professional Reporter, the

5 officer before whom the foregoing proceedings were

6 taken, do hereby certify that the foregoing

7 transcript is a true and correct record of the

8 proceedings; that said proceedings were taken by

9 me stenographically and thereafter reduced to

10 typewriting under my direction; that reading and

11 signing was requested; and that I am neither

12 counsel for, related to, nor employed by any of

13 the parties to this case and have no interest,

14 financial or otherwise, in its outcome.

15 IN WITNESS WHEREOF, I have hereunto

16 electronically set my hand and affixed my notarial

17 seal this 5th day of December, 2022.

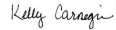
18

My commission expires:

19 July 31, 2026

20

21

A handwritten signature in cursive script, appearing to read "Kelly Carnegie", is written over a horizontal line.

NOTARY PUBLIC IN AND FOR THE

22 COMMONWEALTH OF VIRGINIA - PRINCE WILLIAM COUNTY

Notary Registration Number: 7060756